

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119,
Port Charlotte, Florida
Minutes of Regular Meeting
March 14, 2016 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:30 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess
Michael Gravesen
Ken Chandler
Stephen Vieira
Paul Bigness

ABSENT

ATTENDING

Joshua Moye, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of February 8, 2016 were approved as circulated.

ANNOUNCEMENTS

None.

PETITIONS:

Section 3-9-85.1, Billboards

Legislative

Countywide

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Chapter 3-9, Zoning, by creating new Section 3-9-85.1, Billboards; providing for definition; providing for requirements of repair, refurbishment and replacement; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners.

Staff Presentation

Shaun Cullinan, Planning and Zoning Official, presented the revisions to the County's sign code with a recommendation of *Approval*, based on the reasons stated in the staff report dated January 26, 2016. He explained that these revisions arise out of meetings with Commissioners and county workshops; Commissioners want to see existing billboards updated to modern construction standards which existing legally-nonconforming billboards can't presently do. This new language will allow for existing billboards to come into compliance with current building codes. There's also a provision to move the billboard if surrounding visibility conditions change. The language also clarifies that all existing billboards, as of January 1, 2016, are considered legally non-conforming.

Questions for Staff

Chair Hess asked if there was any provision that unmaintained billboards can be forced to be removed; **Mr. Cullinan** responded that if it was a safety issue, then yes, but if it was merely an aesthetic issue, then no. **Chair Hess** said she thought that it likely that to continue to sell the space, owners would probably have to keep them up after all.

Mr. Chandler asked about the impact of the new language on small business; **Mr. Cullinan** responded that there's nothing in the changes to compel owners to bring the billboards up to modern standards, it merely allows them to do that if they wish. He also clarified that a billboard is any sign over 150 sq. ft. He indicated that the new language was essentially taking away the 50% provisions and allowing them owners to reconstruct the signs to their current size under modern building codes.

Mr. Vieira sought to clarify that, on that point, the County is leaving it up to the owner and would only know there was a problem if a sign fell down? **Mr. Cullinan** responded that the County would become involved if people complained, at which point we would send an inspector to evaluate the safety conditions. **Mr. Vieira** asked if the County has any situation currently where some may be located closer to each other than the required 2,000 feet; **Mr. Cullinan** responded that he didn't think so. Under the sunset clause, some have cycled out of use, and whatever is left falls within the 2,000-ft. separation standard.

Public Input

Ms. Geri Waksler, representing Billboards USA. She handed out suggested language changes to the Board. One identified a spelling typo; the second addressed the fact that billboards can be upgraded, including relocation to a new spot on the same parcel. She noted that this language doesn't contemplate moving the billboard **off** the property where they may be currently located on leased land; if that land owner wants to sell the property, the billboard should be able to shift to a new property, understanding that they would still have to observe the 2,000-ft. distance rule. But this wouldn't constitute a NEW billboard, it would be the same one, moved. She suggested adding the language she had provided for greater flexibility.

Mr. Cullinan responded to this at the request of Chair Hess, noting that staff appreciates her point, but the work presented today represents work done specifically in response to what was tasked to us by the Commission. If the Commissioners request that the change suggested by **Ms. Waksler** be incorporated, we will do so. **Chair Hess** said that seemed reasonable; **Mr. Cullinan** noted that the Board could make it part of their recommendation if they chose.

Mr. Robert H. Berntsson, on behalf of Carter Pritchett Advertising Inc., indicated that he was in general support of the changes. However, he noted that historically, there used to be a 1,000-ft. separation required, which was changed to 2,000 ft. in the 80s, a change that left some in closer proximity. Once I-75 and other roads were construction or widened, virtually all appropriate sites on major arterials were taken. In the 90s, there was a change of heart on the desirability of billboards; they were deemed to be non-conforming and had to be removed by a certain date, which created a hardship on industry: for instance, these assets were often collateral for loans, so the change in rules affected owners' ability to borrow money for maintenance. **Mr. Berntsson** also noted that most existing billboards were erected when they could be moved, so that if they were on a leased property and if continuing the lease was not likely, they could simply be moved. Now land owners have a stranglehold, knowing that the billboard can't be moved. He urged that the ability to move the sign not be limited to

movement within the same property; sign owners should be able to move to secure a better deal. Again, this would not constitute a NEW billboard, just the same one moved to a new location.

Mr. Cullinan responded that more discussions would need to take place regarding this proposal as opposed to that suggested by Ms. Waksler, about which staff has more concerns. This proposal could create a per se monopoly to these current billboard owners endowing them with more special rights than those enjoyed by others. He again commented that if staff was instructed to reconsider by the Commission, they will do that but there would be legal considerations needing to be taken into account.

Mr. Vieira asked him to explain about the expiration in February 2015 of the Ammortization Ordinance. Mr. Cullinan responded that since that Ordinance was put into effect, no new billboards could be erected, and therefore the owners would recoup their expenses by virtue of that. However, some communities have had legal issues with this being considered a taking, and for that reason, the County has not been enforcing this provision.

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Bigness** with a unanimous vote.

Discussion

Chair Hess noted Ms. Waksler's suggestion seems reasonable and asked if the Board had any discussion on that proposal; **Mr. Bigness** indicated he saw nothing wrong with that, but there should be a review process specifically to address that kind of request to move. **Mr. Cullinan** indicate that staff did discuss the mechanics; it would be up to me as Zoning Official, or my successor and there is set criteria, it is not open ended. But in general, we are sticking to the items we were tasked with by the Commission. **Chair Hess** asked if it would be OK with staff if that was part of the recommendation.

Mr. Chandler commented on part "C" of the Ordinance, asking what will the County do about negligence vs. people who make the effort? Mr. Cullinan responded that this isn't a "compelling" type ordinance; there are a number of Codes that come into play such as junk-like conditions, unsafe structures, and the International Property Maintenance Code, and that's what Code Enforcement looks at.

There was a brief discussion between the Chair and Vice-Chair regarding the form of the recommendation.

Recommendation

Mr. Gravesen moved that **Section 3-9-85.1, Billboards** be sent to the Board of County Commissioners with a recommendation of *Approval*, with the inclusion of verbiage presented by Ms. Waksler, (Exh A) regarding ability to move if parcel developed or redeveloped; and the type. There is a second recommendation to continue the review of language regarding ability to move more easily to another property, not just the same property; presented by Mr. B, based on the findings and analysis in the staff report dated January 26, 2016, along with the evidence presented at today's meeting, second by **Mr. Bigness** and carried by a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned at 1:58 p.m.